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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,734	01/16/2004	David R. Dodds	16274.174	6366
22913	7590	04/17/2007		
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			EXAMINER STAHL, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2874	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/758,734

Applicant(s)

DODDS, DAVID R.

Examiner

Mike Stahl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/9/05, 1/16/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Objections

Claim 7 is objected to because "the handle" has insufficient antecedent basis.

Replacement of "handle" with "tool" is suggested.

Claim 8 is objected to because in line 2, "is" should be inserted after "mechanism".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Shirk et al. (US 2005/0003696). March 22, 2003 is relied upon as the effective filing date of the reference, based on provisional application 60/456361.

Claim 1: Shirk discloses a transceiver module for insertion in a cage having a latch that retains the module, the module comprising: a housing 13 configured to receive any one of at least two different release mechanisms, each release mechanism movable between a first position and a second position, wherein the cage latch is not deflected when the release mechanism is in the first position but is deflected when the release mechanism is in the second position so that the module can be removed from the cage. In particular, figs. 2-4 show an embodiment in which the

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release mechanism includes a T-lever **70**, while figs. 5-9C show an embodiment which uses a bail latch **90** as the release mechanism.

Claim 2: The at least two different mechanisms include a handle (either **70** or **90**) rotatably mounted to the housing, and a release tool (not shown but described at [0006]) linearly insertable into the housing at slot **42**. Both types of mechanisms involve moving the actuator **50**. The fact that Shirk prefers and provides a self-contained release mechanism does not render the module incapable of receiving a conventional release tool.

Claim 3: The module further includes a projection **32** extending from the housing and configured to engage the cage latch.

Claim 4: The module further includes an actuator **50** coupled to the release mechanism, the actuator having a ramped surface **54** for deflecting the cage latch when the release mechanism is in the second position.

Claim 5: When the release mechanism is a handle **90**, it is rotatably mounted to the module, and wherein the actuator moves linearly to deflect the cage latch as the handle is rotated ([0032]).

Claim 6: In one embodiment, a cover **96** retains the handle **90** to the housing (see e.g. figs. 7A/7B and [0033]).

Claim 7: When the release mechanism is an insertable release tool, the actuator **50** moves linearly to deflect the cage latch as the handle is inserted ([0005]-[0006]).

Claim 8: The cage latch has a slot **22** through which the projection **32** projects when the release mechanism is in the first position and wherein the projection is removed from the slot when the release mechanism is in the second position (see e.g. fig. 1A, 3C, 8A-8C).

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Claim 9: The housing includes a first opening (generally **15a**) to receive a first of the at least two different release mechanisms (the handle **70** or **90** in this case), and a second opening (generally slot **42**) to receive a second of the at least two different release mechanisms (the insertable tool in this case).

Claim 10: The housing can receive only one of the at least two different release mechanisms at the same time (note that if handle **70** is installed, the slot **42** is effectively inaccessible to the insertable tool).

Claim 11: The module housing described above has an interface surface and a front side (the side toward **11**). A first opening **15a** and second opening **42** adjacent the front side of the interface surface, to receive respective different release mechanisms, were already pointed out above with regard to claim 9.

Claim 12: See above with regard to claim 9.

Claim 13: See above with regard to claim 6.

Claim 14: See above with regard to claim 7.

Claim 15: See above with regard to claim 10.

Claim 16: Shirk discloses a data transmission system comprising: a printed circuit board **14** (see e.g. figs. 1A, 1B, 3C, 4, etc.); a cage structure (part of **12**) fixed to the PCB, the cage structure having an opening and a latch **26** adjacent the opening and a latch adjacent the opening, the latch further including a slot **22**; and a transceiver module **10** pluggable into the opening of the cage structure; the module having a module projection **32**, wherein the module is retained in the cage by engagement of the projection with the slot, and wherein the module is removable from the cage by deflecting the latch with one of at least two different release mechanisms to

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free the projection from the slot. The release mechanisms (handles 70 or 90, or insertable tool) were described above with regard to preceding claims.

Claim 17: See above with regard to claim 2.

Claim 18: See above with regard to claim 4.

Claim 19: See above with regard to claim 9.

Claims 1 and 10 are rejected under 35 U.S.C. 102(a) as being anticipated by HTR6534 Series Product Data Sheet (Mar. '03), referred to as 6534 below.

Claim 1: 6534 discloses a transceiver module for insertion in a cage having a latch that retains the module, the module comprising: a housing configured to receive any one of at least two different release mechanisms, each release mechanism movable between a first position and a second position, wherein the cage latch is not deflected when the release mechanism is in the first position but is deflected when the release mechanism is in the second position so that the module can be removed from the cage. In particular, fig. 2 shows a single bail delatch mechanism, while fig. 3 shows a double bail delatch mechanism. A more detailed description of the operation / purpose of the double bail embodiment is provided in the Hitachi Cable CAT.NO.EN-220A cited on the attached PTO-892 form.

Claim 10: The housing can receive only one of the at least two different release mechanisms at the same time (note that if a single bail mechanism is installed, a complete double bail mechanism cannot be simultaneously received).

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Conclusion

The additional references listed on the attached PTO-892 form are relevant to the subject matter of this application. US 2003/0198029 and US 2003/0206403 are publications of applications which were filed on the same day by the same person, and disclose different release mechanisms applied to transceiver modules which appear to be the same. The Agilent Technologies Product Change Notice discloses three different release mechanisms which appear to be applied to the same transceiver module. US 6994478 (related to 2002/0150344 of the information disclosure statement) discloses a variety of release mechanisms at least in figs. 39A-39I.

Inquiries about this letter may be directed to examiner Stahl at the number below. Inquiries of a general or clerical nature (e.g., a request for a missing form or paper, etc.) should be directed to the technical support staff supervisor at 571-272-1626. Official correspondence which is eligible for submission by facsimile and which pertains to this application may be faxed to 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions about the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mike Stahl MJS
2874
571-272-2360

April 5, 2007


SUNG PAK
PRIMARY EXAMINER